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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the European Centre for Law and Justice / Centre Européen pour la justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby
circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Requesting that the U.N. assist in the release of American citizen pastor Andrew Brunson from wrongful detention and imprisonment in turkey

I. INTRODUCTION

One of the principle aims of the United Nations (U.N.), as expressed in the preamble of the 1945 United Nations Charter, is 'to reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person'¹. It is for this reason that the United Nations Human Rights Council (UNHRC) holds member states accountable for those significant violations of human dignity that run contrary to this aim.

The European Centre for Law and Justice (ECLJ) would, again, like to draw this Council's attention to Pastor Andrew Brunson, an American citizen, who has been unjustly detained and imprisoned in Turkey for nearly a year and a half.

As the ECLJ previously informed this Council, Pastor Brunson was originally detained by Turkish authorities in Izmir on 7 October 2016, despite having committed no crime and having peacefully lived out his religious beliefs in service to the people of Turkey for over two decades. Pastor Brunson's case has not only caught the world's attention, but also that of President Trump, who himself has demanded Pastor Brunson's release on several occasions. However, as indicated by President Erdoğan's recent demand to swap Pastor Brunson for Fethullah Gülen, it seems Pastor Brunson has become a political prisoner and bargaining chip for Turkey.

As a founding Member State of the U.N., Turkey is obligated to adhere to norms set forth in the U.N. Charter, such as those requiring members '[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and . . . fundamental freedoms . . . without distinction as to [inter alia] religion'². Pastor Brunson's detention appears to be related to his work as a Christian minister. By detaining and imprisoning Pastor Brunson because of his religious expression, peaceful association, and assembly of religious believers, Turkey is violating not only its obligations under the U.N. Charter, but its own Constitution, as well as Pastor Brunson's fundamental rights: freedom of religion and belief, freedom of expression, freedoms of peaceful assembly and association. Therefore, these violations concern not only Turkey, but every Member State and every agency of the U.N.

2. BACKGROUND

For 23 years, Pastor Brunson had worked openly on behalf of the people of Izmir, Turkey, serving as the pastor of the Izmir Resurrection Church, part of a small Protestant Christian community. Then, on 7 October 2016, Pastor Brunson arrived home to find a written summons to report with his passport to a local police station. Believing the summons was related to his routine application for a renewal of his residence visa, Pastor Brunson promptly reported to the Izmir police, only to be arrested and later told that he was to be deported, as he was considered a 'national security risk'. However, Pastor Brunson was never deported, he was instead transferred to the Harmandali Detention Centre and held for 63 days. During this time, he was denied access to an attorney and repeated requests by U.S. officials to visit Pastor Brunson were ignored, raising serious concerns.

On 9 December 2016, he was transferred to a prison facility as a suspect of alleged 'membership in an armed terrorist organization', despite no evidence having been presented to justify the accusations against him. Moreover, in the documents repeatedly denying Pastor Brunson's appeals for release, the language alleging any involvement of Pastor Brunson in a crime remains ambiguous at best. In fact, it is admitted that there is merely a 'strong suspicion of the commission of a crime', and an 'inability to have sufficiently gathered evidence', even though Pastor Brunson has been

¹ U.N. Charter, Preamble.

² U.N. Charter art. 1, para. 3. See also Articles 55 and 56 of the U.N. Charter.

imprisoned for over a year. At the time of the ECLJ's previous oral intervention at the U.N. on behalf of Pastor Brunson, Turkey's Prime Minister stated, 'What we can do at this stage is accelerate the trial'³.

To date, Turkey has done nothing to honour that statement. The only change in Pastor Brunson's situation is that on 24 August 2017, the Turkish government accused him of allegedly committing additional crimes, these just as ludicrous as and even more disconcerting than the original, some of them carrying aggravated life sentences and requiring that the accused used force and violence. And once again, no evidence has been put forth to substantiate such ridiculous accusations, and although he has been allowed legal representation since 9 December, 2016, all discussions with his attorney are recorded, his legal file has been sealed, and he can be held without any formal charges for up to seven years, completely destroying the ability to prepare an adequate defense, and obliterating all rights to due process. It is important to note that Pastor Brunson has yet to be formally charged with any crime, as there has yet to be an indictment.

These actions violate Articles 9 (right to liberty and security of person), 14 (equality before the courts and tribunals), and 18 (right to freedom of thought, conscience and religion), of the International Covenant on Civil and Political Rights (ICCPR) to which Turkey is a signatory, as well as Articles 7 (equality before the law and equal protection of the law), 9 (no arbitrary arrest or detention), 10 (fair and public hearing), and 11 (presumed innocent until proved guilty) of the Universal Declaration of Human Rights (UDHR), and Article 5 (right to liberty and security of person & lawfulness of detention), and 6 (adequate time and facilities for the preparation of his defence) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Additionally, Articles 10 and 24 of the Constitution of the Republic of Turkey protect the rights of everyone to equality before the law 'without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect'⁴, as do Articles 2 and 7 of the UDHR and Article 18 of the ICCPR. These rights include the freedom, 'either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching'⁵. Article 5 of the ECHR guarantees that no one shall be arbitrarily 'deprived of his liberty', and Article 6 preserves the right 'to be informed promptly . . . and in detail, of the nature and cause of the accusation; (b) to have adequate time and facilities for the preparation of [a] defence'.⁶ Article 36 of the Constitution also protects the right to litigation 'before the courts through lawful means and procedure.' Turkey has violated all of these protections by arresting and detaining an innocent pastor in prison for almost a year and a half without presenting any evidence, nor charging him with any crimes. All while his case is sealed, his conversations with his attorney are recorded, and he has had no opportunity to provide a defense.

3. REQUEST

One of the hallmarks of Turkey's proud history is the respect for all faiths and the rule of law. Thus, Turkey should respectfully be reminded of its continuing obligations under its constitution as well as the ICCPR, UDHR, and ECHR to respect and value the freedom of religion and rule of law. The ECLJ urges this Council to call upon Turkey to honour its obligations. The ECLJ further requests that the U.N. make every effort to ensure that Pastor Brunson is not only treated with great care, but that he is quickly released and allowed to return home to the United States of America without injury or delay.

³ Oren Dorell, *Turkish PM Considers Speeding up Trial of Jailed American Pastor*, USA TODAY (9 Mar. 2017, updated 8:14 PM), <https://www.usatoday.com/story/news/world/2017/03/09/turkish-prime-minister-promises-speed-up-trial-jailed-american-pastor/98946590/>.

⁴ CONSTITUTION OF THE REPUBLIC OF TURKEY July 23, 1995, art. 10, and 'freedom of conscience, religious belief and conviction,' id. at art. 24, as do Articles 2 and 7 of the UDHR and Article 18 of the ICCPR.

⁵ ICCPR, adopted Dec. 16, 1966, G.A. Res. 2200A (XXI), art. 18, U.N. Doc. A/6316 (entered into force Mar. 23, 1976).

⁶ ECHR, art. 6 (Nov. 4, 1950), 213 U.N.T.S. 221.

4. CONCLUSION

The U.N. has long stood to protect the human rights of all people. In intervening on behalf of Pastor Brunson, the U.N. will once again demonstrate its commitment to ensuring that freedom of religion exists for all people, regardless of their faith.
